



HT-126

THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Per Muskos : Examiner: Kiran B. Patel
: :
Title: A BUMPER BEAM : Group Art Unit: 3612
ARRANGEMENT : :
Serial No. 10/591,022 : :
Filed: August 29, 2006 : :


Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Applicant respectfully requests reconsideration of the rejections and objections made in the Official Action dated December 27, 2007 for the above identified patent application.

At pages 2 - 3 of the Official Action, the Examiner has raised a similar objection to the drawings as was raised in the prior Official Action dated October 1, 2007. In the Amendment

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1/23/08
(Date of Deposit)

filed on November 28, 2007 in response to the earlier Official Action, Applicant provided two Exhibits in which original drawing Figures 2 and 4 were marked and annotated to clearly establish that all features recited in the pending claims are illustrated in the drawings as originally filed. Moreover, starting at page 4, last paragraph and continuing through page 5, last full paragraph of the Amendment filed on November 28, 2007, Applicant discussed the two Exhibits comprising the annotations to the original drawing Figs. 2 and 4, again identifying how all features recited in the pending claims are illustrated in the original drawings.

At page 3 of the latest Official Action, the Examiner states:

"Applicant has provided "Exhibits to show the features of the invention recited in the claim" (marked up figures 2 and 4) with arguments but failed to indicate what will be incorporated as part of the record in the drawings to resolve drawing objections."

The Examiner appears to have misunderstood the purpose of the filing of the Exhibits. The Exhibits establish that the original drawings do, in fact, illustrate all features recited in the pending claims. Accordingly, it is not necessary to incorporate any features of the Exhibits into the drawings currently on file, since the Exhibits are, in fact, copies of original drawing Figures 2 and 4, which have been annotated to show the features of the invention recited in the pending claims.

Accordingly, the original drawings show all features recited in the pending claims, and the filing of corrected drawings to illustrate what is already illustrated in the drawings currently on file is clearly unnecessary.

For the reasons discussed herein and in the Amendment filed on November 28, 2007, Applicant again respectfully requests that the objection to the drawings be reconsidered and withdrawn.

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At page 2, last two paragraphs of the Official Action, the Examiner has objected to the reference numerals in the claims on the grounds that they are confusing and that the same reference numerals have been used to identify different elements. Applicant does not understand the basis for this objection. In the Amendment filed on November 28, 2007, all reference numerals were deleted from all claims. Accordingly, Applicant respectfully requests the objection to the claims as containing confusing reference numerals be reconsidered and withdrawn since the claims, as currently pending, do not include any reference numerals.

At page 2, second paragraph of the Official Action, the Examiner states that the drawings also do not illustrate what is outlined in the specification. Applicant respectfully disagrees with the Examiner's conclusion. As discussed at page 7 of the Amendment filed on November 28, 2007, the original drawings do, in fact, illustrate all features of the invention discussed in the specification. The original specification refers to the original drawings, and page 7 of the Amendment filed on November 27, 2007 identifies the specific portions of the original specification which are both illustrated by the original drawings and recited in the claims currently pending in the present application.

Applicant respectfully requests that the objections to the drawings, specification and claims raised in the Official Action be reconsidered and withdrawn for the reasons discussed herein and in the Amendment filed on November 28, 2007.

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At page 4, paragraph 3 of the Official Action, Claims 1 - 2 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by Miskech et al (U.S. Patent No. 5,876,077).

No prior art rejections have been raised against dependent Claim 3.

With regard to the prior art rejections raised against independent Claim 1 and dependent Claim 2, Applicant notes that independent Claim 1 expressly recites "...wherein the portions of the crash boxes that are not covered by the bumper beam extend towards the front end of the bumper beam to a position within ten mm from the front end of the bumper beam." However, it is clear from Figure 7 of the Miskech et al patent that this express recitation in Applicant's pending independent Claim 1 is not taught or suggested by the applied patent. More specifically, there is no teaching or suggestion in any of the embodiments illustrated or discussed in the Miskech et al patent that sections of a crash box not covered by a bumper beam extend to the front end of the bumper beam to a position within 10 mm. from the front end of the bumper beam. This claimed feature of the invention, which is discussed in more detail at page 2, last paragraph of Applicant's original specification, is clearly not taught, suggested, or recognized by the written disclosure or the drawings of the applied prior art reference.

It is well established that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention

between the rejected claim and the applied prior art reference. Stated in other words, a rejection of a claim as being anticipated by a prior art reference is inappropriate unless a single applied reference discloses all features of the rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

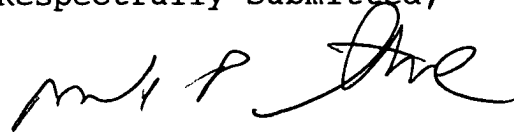
In the instant case, the applied prior art reference clearly does not teach (or suggest) or recognize a significant feature of Applicant's invention, as positively recited in independent Claim 1. Accordingly, there is no strict identity of invention between the bumper arrangement defined by independent Claim 1 and that disclosed by Miskech et al. Applicant respectfully submits that the applied prior art patent does not anticipate (or suggest) the invention defined by independent Claim 1 when all positively recited features of the claim are considered in the patentability determination.

Applicant submits that independent Claim 1 is in condition for allowance. Dependent Claim 2, which depends directly from independent Claim 1 and includes all features of that claim, is allowable, at least for the same reasons as parent independent Claim 1. As noted above, independent Claim 3 has not been rejected over any prior art. In any event, this claim is also

allowable at least for the same reasons as parent independent
Claim 1.

Applicant respectfully submits that the present patent
application is in condition for allowance, and favorable action
is respectfully submitted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'm p stone', written in a cursive style.

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